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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,435	09/27/1999	VIKTORS BERTIS	AT9-99-367	1602

7590 06/07/2004

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EXAMINER

SINGH, RACHNA

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/406,435

Applicant(s)

BERSTIS, VIKTORS

Examiner

Rachna Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: Appeal Brief filed 3/19/04.
2. Claims 1-33 are pending. Claims 1, 12, and 23 are independent claims.

Response to Arguments

3. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6, 9-15, 17, 20-26, 28, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95).

In reference to claims 1, 6, 12, 17, 23, and 28, Ball teaches a system for identifying changes in online data repositories where a current version is presented to a user. Ball's system teaches copying an original document selected by a user from the WWW to create a copied document on a server separate from the WWW. Archiving on the separate server, the changes in the original document as detected while monitoring for changes. See page 13. The system periodically compares the archive with current versions of the documents located in the repository and updates the archive. See

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abstract. In response to a request from a client to access a document, presenting a current version of the document as archived. Ball does not state the term "source identifier"; however, a source identifier can be a URL. Ball teaches that a "page" refers to a unit of data which is identified by a specific name such as a URL on the WWW. Thus Ball teaches that a "source identifier" is a part of a downloaded file in that it is identified by a specific name. Although Ball does not state that the source is checked using the source identifier, it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that when the document is being downloaded, updated, and presenting from the archive, the system is using some identifier to retrieve information for the specific document that has been requested by the user, in this case, the document is recognized by a URL as it is located over the WWW. See page 4, paragraphs [0087]. Compare to "evaluating at said client a downloaded file from a source within a network to determine if a source identifier is present in said downloaded file; checking said source periodically utilizing said source identifier to determine if a newer version of said downloaded file exists; replacing at said client, in response to the presence of a newer version of said downloaded file, said downloaded file with said newer version".

In reference to claims 2, 13, and 24, Ball does not teach "adding" a source identifier to a downloaded file. Since the source identifier can be a URL and is retrieved over a network, one of ordinary skill in the art would recognize that the page would have an identification if retrieved over a network; however, if for some reason the file does not

have a URL, Ball maintains a list of all the pages that are saved and could attach a source identifier to that page.

In reference to claims 3, 14, and 25, Ball teaches presenting to the user an option to compare selected versions as archived in response to a request to access the original document. Ball also teaches that when a user calls for a current version of a document, the system presents the current version and indicates what parts have not been previously accessed. See abstract.

In reference to claims 4, 15, and 26, since most operating systems support extended attributes that are associated with a file (as stated by applicant on page 11 of specifications), it would have been obvious to one of ordinary skill in the art at the time of the invention to have a URL located in the extended attribute of the downloaded file.

In reference to claims 9, 20, and 31, Ball's system periodically compares the archive with current versions of the documents located in the repository and updates the archive. See abstract. Ball also teaches that in response to a request from a client to access a document, a current version of the document as archived is presented.

In reference to claims 10, 21, and 32, Ball teaches that a URL and new versions of the downloaded file are stored in an archive which is checked periodically using the page name and versions. See page 4 and 13.

In reference to claims 11, 22, and 33, Ball's system can take place over a network, such as the WWW, which could comprise a packet network.

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6. Claims 5, 16, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95) in view of Miller, US 5,832,520, 11/3/98.

In reference to claims 5, 16, and 27, Ball teaches that the invention periodically examines the pages located in the repository for changes. In looking for changes, the invention performs a check based on dates of the modification and checksums. See page 2, paragraphs [0048]-[0052]. Ball does not teach finding the source string using a signature string nor identifying a location using a locator string; however, Miller teaches a system for reading strings of data from a file and determining location information. See abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Miller's reading of strings into the system of Ball since it allows the system to read the URL (source identifier and location) which is done by Ball although it is not fully disclosed by Ball.

7. Claims 8, 19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95) in view of Kullick et al., US Patent 5,764,992, 6/9/98.

In reference to claims 8, 19, and 30, Ball teaches storing a copy of a previously downloaded file in the archived list and storing the current version as the current version. See page 3 and figure 3. Kullick specifically teaches renaming a previous copy to an archived name and storing a new version with a working name. Kullick teaches renaming a current version once it is replaced with a new version. The new version is then given the modified name. See columns 4-5. It would have been obvious

to one of ordinary skill in the art at the time of the invention to combine Ball and Kullick since both are concerned with version management of a document or file being downloaded from a source and renaming the previous version with an archived name prevents interruptions at the current location as well as aiding the system in archiving capabilities. See abstract of Kullick in which he teaches non-interruption of current activities.

8. Claims 7, 18, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball et al., US 2002/0120648 A1, 8/29/02 (filed 2/15/02, continuation filed 10/27/95) in view of Smith et al., US Patent 6,006,206, 12/21/99 (filed 9/8/97).

In reference to claims 7, 18, and 29, Ball teaches periodically checking the source for updates; however, he does not teach defining a default automatic time interval and enabling a user to adjust the interval. Smith teaches receiving updated data from a heartbeat signal at predetermined interval including a system identifier. See columns 3-4. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Smith's predetermined time interval in the system of Ball since Ball's system periodically checks the source for updated data and Smith's system allows that the time to be defined for the "periodic" checks.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Paik et al. US 6,185,584 B1 2/6/01 (filed 2/12/97)

Goldschmidt et al. US 2001/0007147 A1 Filed (divisional) 10/30/98


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 703.305.1952. The examiner can normally be reached on M-F (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 703.305.9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS
5/26/04


SANJIV SHAH
PRIMARY EXAMINER